

REMARKS

Summary of the Amendment

Upon entry of the above supplemental amendment, claims 1, 12, and 18 will have been amended, and claims 8, 17, 20, and 22 will have been canceled without prejudice or disclaimer. Accordingly, claims 1 – 7, 9 – 16, 18, 19, 21, 22, and 23 will remain pending with claims 1, 12 and 18 being in independent form.

Moreover, the instant amendment is supplemental to and incorporates by reference the amendments and arguments presented in Applicants' March 9, 2005 Amendment Under 37 C.F.R. 1.111.

Traversal of Rejection Under 35 U.S.C. § 102(b)

Applicant traverses the rejection of claims 1 – 13, 15 – 18 and 20 – 23 under 35 U.S.C. § 102(b) as being anticipated by US published patent application US 2002/0063299 to KAMATA et al.

The Examiner asserted that this document discloses or suggests all the features recited in these claims including a gate which overlaps a source and drain region 8. Applicant respectfully traverses this rejection.

While not acquiescing that the applied art renders unpatentable the combination of features recited in the pending claims, Applicants, in an effort to expedite prosecution of the instant application, have amended independent claims 1, 12, and 18 to even more clearly define the instant invention over the art of record.

Therefore, in addition to the reasons for patentability presented in Applicants' March 9, 2005 response, Applicants further submit that KAMATA fails to disclose, or even suggest, *inter*

alia, forming a first step of material adjacent a side edge of the gate and forming a second step of material raised above the first step and remote from the side edge of the gate *in a single material formation process*, and forming a silicide *on the second step* and the gate, as recited in at least independent claim 1, as now amended.

In particular, Applicants note that none of Figures 1 – 13 of KAMATA even arguably show a material layer having a first layer and a second layer above the first layer and remote from the side edge of the gate. Moreover, while Figures 14 and 15 arguably show a formed first and second step of material, in Figure 14, the step is etched into layer 8, and in Figure 15, layer 8 is turned into a silicide layer 15, such that neither Figure teaches or suggests forming the first and second layers in a single material formation process, as recited in at least independent claim 1.

Because Figure 14 does not even arguably form the second step in the manner recited in at least independent claim 1, Applicants submit that Figure 14 likewise fails to teach or suggest that the formation of a silicide on the second step, as recited in independent claim 1, as now amended. Likewise, as Figure 15 does not disclose or suggest a second step, this figure, too, fails to teach or suggest forming a silicide on the second step, as recited in at least independent claim 1, as now amended.

In addition to the reasons for patentability of independent claim 12 presented in Applicants' March 9, 2005 response, Applicants further submit that KAMATA fails to disclose, or even suggest, *inter alia*, forming a second conductive region *at a height above* the first conductive region, wherein the *first conductive region and the second conductive region are formed in a single growing step*, as recited in at least independent claim 12, as now amended.

As noted above, while Figures 1 – 13 of KAMATA do not even arguably show a material layer having a first layer and a second layer above the first layer, Figures 14 and 15 arguably

show a formed first and second step of material. In particular, the step in Figure 14 is etched into layer 8, and a silicide layer 15 is formed and etched on layer 8 in Figure 15, such that neither Figure teaches or suggests that the first conductive region and the second conductive region are formed in a single growing step, as recited in at least independent claim 12, as now amended.

In addition to the arguments in support of patentability for 18 presented in Applicants' March 9, 2005 response, Applicants further submit that KAMATA fails to disclose, or even suggest, *inter alia*, a first step raised above a lower surface of the gate, a second step, *formed in a single growing step with the first step*, raised above the first step, and a *conductive layer arranged on a surface of the second step*, as recited in at least independent claim 18, as now amended.

As discussed above, Figures 1 – 13 of KAMATA fail to even arguably show a material layer having a first layer and a second layer above the first layer, while Figures 14 and 15 arguably show a formed first and second step of material. However, Applicants note that these layers are distinct from those recited in at least independent claim 18. As noted above, the step in Figure 14 is etched into layer 8, while a silicide layer 15 formed from layer 8 forms a second step in Figure 15.

However, in contrast to independent claim 18, the second step in Figure 14 is formed by etching subsequently to the formation of the step, such that this embodiment fails to teach or suggest, a second step, *formed in a single growing step with the first step*, raised above the first step, as recited in at least independent claim 18, as now amended.

Further, as the second step in Figure 15 is formed by silicide formed from step 8, there is no teaching or suggestion of a conductive layer arranged on a surface of the second step, as recited in independent claim 18, as now amended.

Moreover, Applicants submit that dependent claims 2 – 7, 9 – 11, 13, 15, 16, 17, 21, and 23 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicants submit that no proper reading of KAMATA discloses or even suggests, in combination, the features recited in claims 2 – 11 in combination with the features recited in claim 1, the features recited in claims 13 and 15 – 17 in combination with the features recited in claim 12, and the features recited in claims 20 – 23 in combination with the features recited in claim 18.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 – 7, 8 – 13, 15, 16, 18, 21, and 23 under 35 U.S.C. § 102(b) and indicate that these claims are allowable.

Traversal of Rejection Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 14 and 19 under 35 U.S.C. § 103(a) as unpatentable over KAMATA alone.

In addition to the previous arguments of record, submitted March 9, 2005, Applicants submit that KAMATA fails to teach or suggest the combination of features recited in at least independent claim 1, 12, and 18, as now amended. Further, Applicants submit that the art of record fails to provide the requisite motivation or rationale for modifying KAMATA in any manner that would even arguably render unpatentable the instant invention.

Accordingly, for these additional reasons, Applicants request that the Examiner reconsider and withdraw the rejection of claims 14 and 19, which depend from allowable base claims, and indicate that these claims are allowable.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Authorization is hereby given to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 09-0458.

Respectfully submitted,
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